IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

Crl.Rev.Pet.No. 3127 of 2005(A)

CRA.141/2004 of ADDL.SESSIONS COURT, KOZHIKODE
CC.419/2002 of JUDL.MAGISTRATE OF FIRST CLASS, VADAKARA

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REVN. PETITIONER: APPELLANT/ACCUSED.

KASMU, S/O.BEERAN, AYANDEVALAPPIL
HOUSE, MELADI AMSOM DESOM, KOYILANDY TALUK.

BY ADV. SRI.SANTHARAM.P

RESPONDENTS: COMPLAINANT AND STATE.

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1. AFSATH, D/O.ABDULLA,
VALIMADAKKARA HOUSE, ONCHIYAM AMSOM,
KANNOKKARA DESOM, VADAKARA TALUK.

2. STATE OF KERALA, REP. BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.M.C.RATNAKARAN
SRI.P.NARAYANAN
PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 24/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. HEMA, J.

Crl.R.P. No.3127 of 2005

Dated this 24th day of January, 2007.

O R D E R

Revision Petitioner is the accused in C.C.No.419 of 2002 on the file of the Judicial First Class Magistrate's Court, Vadakara. First respondent is the complainant therein. Revision petitioner was convicted and sentenced by the Magistrate's Court to undergo simple imprisonment for six months under Section 138 of the Negotiable Instruments Act and also directed to pay compensation of Rs.75,000/- to the complainant in default of payment to undergo simple imprisonment for four months under section 357(3) of the Code of Criminal Procedure. In appeal filed by him, the conviction and direction for payment of compensation are confirmed and sentence of imprisonment is modified by the Additional Sessions Court. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.Appl.No.821 of 2007 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and the amount is also paid by the petitioner to the satisfaction of the first respondent. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. He is set at liberty forthwith.

Crl. M.Appl.No.821 of 2007 and Revision Petition are allowed.

vgs. **K. HEMA, JUDGE.**